

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

Case: 2:07-cr-20400
Assigned To: Cook, Julian Abele
Referral Judge: Morgan, Virginia M
Filed: 08-14-2007 At 12:59 PM
INDI USA V. SEALED MATTER (DA)

D-1 LEROY FRASIER, a/k/a "Leroy"
D-2 NORMAN BOX, JR., a/k/a/ "Stormin' Norman"
D-3 DAVID DORRIS, a/k/a "Hoggs"
D-4 DANNY NEACE, a/k/a "Milky"
D-5 RAMON RIOS, a/k/a "Ramon"
D-6 BRUCE WENDEL, a/k/a "Big Bruce"
D-7 WILLIAM ELSTON, a/k/a "Jason"
D-8 ROBERT CASTILLO, a/k/a "Big Rob," "Mexican Rob"
D-9 MICHAEL RADKE, a/k/a "Mike"
D-10 EDWARD GALLAGHER, a/k/a "Eddie"
D-11 WILLIAM GUINN, a/k/a/ "Slick"
D-12 MARK GUERRA, a/k/a "Skid Mark"
D-13 KENNETH CRESLAW, a/k/a "KC"
D-14 WILLIAM MERFERT, a/k/a "Billy"
D-15 WILLIAM THOMAS MCCOWAN, a/k/a "Tom the Bomb"
D-16 KIM GALAVIZ, a/k/a/ "Moe"

Defendants.

INDICTMENT

THE GRAND JURY CHARGES:

THE ENTERPRISE

1. The defendants, at all times relevant to this indictment, were and are members or associates of the American Outlaws Association (hereinafter referred to as the OUTLAWS).

2. The OUTLAWS are an international criminal organization whose members and associates engage in acts of violence, including acts involving assault, as well as gambling offenses, narcotics distribution, and firearms offenses. The Outlaws operate in the Eastern District of Michigan, the Northern District of Indiana, and elsewhere.

3. Within the United States, the OUTLAWS are composed of individual chapters located in various cities throughout the country. Each chapter has officers, to include a president, vice-president, treasurer, and enforcer, as well as general members.

4. The various chapters are grouped into regions headed by a regional president and several regional officers. The regions and chapters ultimately fall under the authority of the national president. Criminal activities of the OUTLAWS are often committed under the direction of national, regional, and chapter officers.

5. The Michigan Region, also known as the Black Region, has chapters located in Detroit, Wyandotte, Bay City and Grand Rapids, Michigan, and in Fort Wayne and Indianapolis, Indiana. Dozens of members and associates have been actively involved in the Black Region.

6. Membership in the OUTLAWS is a specific process. It begins with participation in the OUTLAWS as an associate, and is followed by a period of probation before full membership can be granted. Full membership is also known as "patch" status. Associates and members follow a written code. Violations of the code can result in fines, expulsion from the OUTLAWS, a new probationary period, or acts of violence against the violator.

7. Members also pay monthly dues to their local chapter, a percentage of which are sent to the regional and national organization. Members are also subject to special assessments or taxes for specific or specialized purposes. Funds may be transferred among or between local chapters, and to regional or national offices. Members who earn money from criminal activity are expected to contribute some of those earnings to the OUTLAWS.

8. The OUTLAWS own real and personal property, and conduct regular meetings of its officers and general members. The OUTLAWS frequently decide various issues – local, regional, and national – by voting. Activities of the OUTLAWS frequently require interstate travel.

9. The OUTLAWS, including its leadership, membership, and associates, constituted an enterprise as defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals, associated-in-fact, that engage in, and the

activities of which, affect interstate and foreign commerce. The enterprise constitutes an ongoing organization whose members function as a continuing unit for the common purpose of achieving the objectives of the enterprise.

Purposes of the Enterprise

10. The purposes of the enterprise include the following:

- a. Enriching the members and associates of the enterprise through, among other things, acts of violence, including acts involving assault, as well as gambling offenses, narcotics distribution, and firearms offenses.
- b. Preserving and protecting the power, territory, and profits of the enterprise through the use of intimidation, violence, threats of violence, and assaults.
- c. Promoting and enhancing the enterprise and its members' and associates' activities.
- d. Keeping victims in fear of the enterprise, and in fear of its members and associates, through threats and acts of violence.
- e. Enforcing discipline among members of the OUTLAWS by acts of violence.

Means and Methods of the Enterprise

11. The means and methods of the enterprise include the following:

- a. Members of the enterprise and their associates have committed,

attempted, and threatened to commit, acts of violence to protect and expand the enterprise's criminal operations, including the protection of particular businesses and geographic territories and locations.

b. Members of the enterprise and their associates promote a climate of fear through violence and threats of violence.

c. Members of the enterprise and their associates use and threaten to use physical violence against various individuals.

d. Members of the enterprise and their associates traffic in controlled substances, including methamphetamine, marijuana, hashish, and cocaine.

12. The above-described enterprise, through its members and associates, engage in racketeering activity, as defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely, acts involving gambling, in violation of Title 18, United States Code, Section 1955, and narcotics distribution, in violation of Title 21 United States Code, Sections 841 and 846.

Violent Crimes In Aid of Racketeering

COUNT ONE

Conspiracy to Commit Assault With A Dangerous Weapon

18 U.S.C. §1959(a)(6)

- D-1 LEROY FRASIER, a/k/a "Leroy"
- D-2 NORMAN BOX, a/k/a/ "Stormin' Norman"
- D-3 DAVID DORRIS, a/k/a "Hoggs"
- D-4 DANNY NEACE, a/k/a "Milky"
- D-5 RAMON RIOS, a/k/a "Ramon"
- D-6 BRUCE WENDEL, a/k/a "Big Bruce"

13. Paragraphs One through Twelve of this indictment are realleged and incorporated by reference as though fully set forth herein.

14. From on or about February 2006 through on or about April 2006, in the Eastern District of Michigan, Southern Division, the Northern District of Indiana, and elsewhere, for the purpose of gaining entrance to, and maintaining and increasing position in, the OUTLAWS, an enterprise engaged in racketeering activity, defendants LEROY FRASIER, NORMAN BOX, DAVID DORRIS, DANNY NEACE, RAMON RIOS, BRUCE WENDEL, and others known and unknown to the Grand Jury, unlawfully and knowingly combined, conspired, confederated, and agreed to commit an assault with a dangerous weapon against various members of the Hells Angels Motorcycle Club, in violation of Indiana Criminal Code Sections 35-42-2-1(3) and 35-41-5-2.

All in violation of Title 18, United States Code, Section 1959(a)(6).

COUNT TWO

Assault With A Dangerous Weapon

18 U.S.C. §1959(a)(3) and 18 U.S.C. §2(a)

- D-1 LEROY FRASIER, a/k/a "Leroy"
- D-2 NORMAN BOX, a/k/a/ "Stormin' Norman"
- D-3 DAVID DORRIS, a/k/a "Hoggs"
- D-4 DANNY NEACE, a/k/a "Milky"
- D-5 RAMON RIOS, a/k/a "Ramon"
- D-6 BRUCE WENDEL, a/k/a "Big Bruce"

15. Paragraphs One through Twelve of this indictment are realleged and incorporated by reference as though fully set forth herein.

16. On or about April 1, 2006, in the Eastern District of Michigan, Southern Division, the Northern District of Indiana, and elsewhere, for the purpose of gaining entrance to, and maintaining and increasing position in, the OUTLAWS, an enterprise engaged in racketeering activity, defendants LEROY FRASIER, NORMAN BOX, DAVID DORRIS, DANNY NEACE, RAMON RIOS, BRUCE WENDEL, and others known and unknown to the Grand Jury, unlawfully and knowingly committed, and aided and abetted the commission of an assault with a dangerous weapon, that is, a cane, a hammer, and motorcycle parts, against Rex Pemberton, Danny Cook, and various members of the Hells Angels Motorcycle Club, in violation of the Indiana Criminal Code Sections 35-42-2-1(3) and 35-41-2-4.

All in violation of Title 18, United States Code, Sections 1959(a)(3) and 2(a).

COUNT THREE

Conspiracy to Commit Assault With A Dangerous Weapon

18 U.S.C. §1959(a)(6)

D-1 LEROY FRASIER, a/k/a "Leroy"
D-5 RAMON RIOS, a/k/a "Ramon"
D-6 BRUCE WENDEL, a/k/a "Big Bruce"
D-7 WILLIAM ELSTON, a/k/a "Jason"

17. Paragraphs One through Twelve of this indictment are realleged and incorporated by reference as though fully set forth herein.

18. On on or about January 1, 2006, in the Eastern District of Michigan, Southern Division, the Northern District of Indiana, and elsewhere, for the purpose of

gaining entrance to, and maintaining and increasing position in, the OUTLAWS, an enterprise engaged in racketeering activity, defendants LEROY FRASIER, RAMON RIOS, BRUCE WENDEL, WILLIAM ELSTON, and others known and unknown to the Grand Jury, unlawfully and knowingly combined, conspired, confederated, and agreed to commit an assault with a dangerous weapon against Donald Bunn, in violation of Indiana Criminal Code Sections 35-42-2-1(3) and 35-41-5-2.

All in violation of Title 18, United States Code, Section 1959(a)(6).

COUNT FOUR

Assault With A Deadly Weapon Resulting in Serious Bodily Injury

18 U.S.C. § 1959(a)(3) and 18 U.S.C. § 2(a)

D-1 LEROY FRASIER, a/k/a "Leroy"
D-5 RAMON RIOS, a/k/a "Ramon"
D-6 BRUCE WENDEL, a/k/a "Big Bruce"
D-7 WILLIAM ELSTON, a/k/a "Jason"

19. Paragraphs One through Twelve of this indictment are realleged and incorporated by reference as though fully set forth herein.

20. On or about January 1, 2006, in the Eastern District of Michigan, Southern Division, the Northern District of Indiana, and elsewhere, for the purpose of gaining entrance to, and maintaining and increasing position in, the OUTLAWS, an enterprise engaged in racketeering activity, defendants LEROY FRASIER, RAMON RIOS, BRUCE WENDEL, WILLIAM ELSTON, and others known and unknown to the Grand Jury, unlawfully and knowingly committed, and aided and abetted the commission of an assault with a dangerous weapon resulting in the serious bodily injury of Donald Bunn, in

violation of Indiana Criminal Code Sections 35-42-2-1(3), 35-41-1-25 and 35-41-2-4.

All in violation of Title 18 United States Code, Sections 1959(a)(3) and 2(a).

COUNT FIVE

21 U.S.C. § 841(a)(1)
Distribution of Cocaine

D-8 ROBERT CASTILLO, a/k/a "Big Rob," "Mexican Rob"

21. Paragraphs One through Twelve of this indictment are realleged and incorporated by reference as though fully set forth herein.

22. From on or about December 2003 through on or about April 2004, in the Eastern District of Michigan, Southern Division, defendant ROBERT CASTILLO did knowingly, intentionally, and unlawfully distribute cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT SIX

21 U.S.C. § 841(a)(1)
Distribution of Cocaine

D-9 MICHAEL RADKE, a/k/a "Mike"

23. Paragraphs One through Twelve of this indictment are realleged and incorporated by reference as though fully set forth herein.

24. From on or about May 2004 through on or about July 2004, in the Eastern District of Michigan, Southern Division, defendant MICHAEL RADKE did knowingly, intentionally, and unlawfully distribute cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT SEVEN

21 U.S.C. § 841(a)(1)
Distribution of Methamphetamine

D-10 EDWARD GALLAGHER, a/k/a "Eddie"

25. Paragraphs One through Twelve of this indictment are realleged and incorporated by reference as though fully set forth herein.

26. From on or about August 2004 through on or about March 2005, in the Eastern District of Michigan, Southern Division, defendant EDWARD GALLAGHER did knowingly, intentionally, and unlawfully distribute methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT EIGHT

18 U.S.C. § 922(d)
Sale of a Firearm to a Prohibited Person

D-10 EDWARD GALLAGHER, a/k/a "Eddie"

27. Paragraphs One through Twelve of this indictment are realleged and incorporated by reference as though fully set forth herein.

28. On or about April 11, 2005, in the Eastern District of Michigan, Southern Division, defendant EDWARD GALLAGHER knowingly sold a firearm, to wit: an F.N. Herstal .32 caliber pistol, knowing and having reasonable cause to believe that the purchaser had been convicted of a felony.

In violation of Title 18, United States Code, Section 922(d).

COUNT NINE

21 U.S.C. § 841(a)(1)
Distribution of Marijuana

D-11 WILLIAM GUINN, a/k/a/ "Slick"
D-12 MARK GUERRA, a/k/a "Skid Mark"
D-13 KENNETH CRESLAW, a/k/a "KC"

29. Paragraphs One through Twelve of this indictment are realleged and incorporated by reference as though fully set forth herein.

30. During May 2004, in the Eastern District of Michigan, Southern Division, defendants WILLIAM GUINN, MARK GUERRA and KENNETH CRESLAW did knowingly, intentionally, and unlawfully distribute marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT TEN

18 U.S.C. § 922(g)(1)
Felon in Possession of a Firearm

D-1 LEROY FRASER, a/k/a "Leroy

31. Paragraphs One through Twelve of this indictment are realleged and incorporated by reference as though fully set forth herein.

32. On or about March 24, 2005, in the Eastern District of Michigan, Southern Division, defendant LEROY FRASIER, having previously been convicted of a felony, did knowingly, intentionally, and unlawfully possess a firearm, to wit: a Smith and Wesson .38 caliber revolver, said firearm having traveled in interstate commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT ELEVEN

18 U.S.C. § 922(g)(1) and 18 U.S.C. § 924(e)(1)

Felon in Possession of a Firearm

Following Three Predicate Felony Convictions

D-14 WILLIAM MERFERT, a/k/a "Billy"

33. Paragraphs One through Twelve of this indictment are realleged and incorporated by reference as though fully set forth herein.

34. On or about November 7, 2003, in the Eastern District of Michigan, Southern Division, defendant WILLIAM MERFERT, after having previously been convicted of three predicate felony offenses, to wit: Breaking and Entering, Armed Robbery, and Breaking and Entering, did knowingly, intentionally, and unlawfully possess a firearm, that is, a Glock 9 mm semi-automatic handgun, said firearm having previously traveled in interstate commerce.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(e)(1).

COUNT TWELVE

18 U.S.C. § 922(g)(1) and 18 U.S.C. § 924(e)(1)

Felon in Possession of Firearms

Following Three Predicate Felony Convictions

D-14 WILLIAM MERFERT, a/k/a "Billy"

35. Paragraphs One through Twelve of this indictment are realleged and incorporated by reference as though fully set forth herein.

36. On or about December 18, 2003, in the Eastern District of Michigan, Southern Division, defendant WILLIAM MERFERT, after having previously been

convicted of three predicate felony offenses, to wit: Breaking and Entering, Armed Robbery, and Breaking and Entering, did knowingly, intentionally, and unlawfully possess firearms, that is, one Ruger 9 mm semi-automatic handgun, and one Norinco 7.62 caliber rifle, said firearms having previously traveled in interstate commerce.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(e)(1).

COUNT THIRTEEN

18 U.S.C. § 922(g)(1) and 18 U.S.C. § 924(e)(1)

Felon in Possession of a Firearm

Following Three Predicate Felony Convictions

D-14 WILLIAM MERFERT, a/k/a "Billy"

37. Paragraphs One through Twelve of this indictment are realleged and incorporated by reference as though fully set forth herein.

38. On or about December 19, 2003, in the Eastern District of Michigan, Southern Division, defendant WILLIAM MERFERT, after having previously been convicted of three predicate felony offenses, to wit: Breaking and Entering, Armed Robbery, and Breaking and Entering, did knowingly, intentionally, and unlawfully possess a firearm, that is, a Ruger .44 caliber revolver, said firearm having previously traveled in interstate commerce.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(e)(1).

COUNT FOURTEEN

18 U.S.C. § 922(g)(1) and 18 U.S.C. § 924(e)(1)

Felon in Possession of a Firearm

Following Three Predicate Felony Convictions

D-14 WILLIAM MERFERT, a/k/a "Billy"

39. Paragraphs One through Twelve of this indictment are realleged and incorporated by reference as though fully set forth herein.

40. That on or about January 21, 2004, in the Eastern District of Michigan, Southern Division, defendant WILLIAM MERFERT, after having previously been convicted of three predicate felony offenses, to wit: Breaking and Entering, Armed Robbery, and Breaking and Entering, did knowingly, intentionally, and unlawfully possess a firearm, that is, an FEG 9 mm caliber pistol, said firearm having previously traveled in interstate commerce.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(e)(1).

COUNT FIFTEEN
21 U.S.C. § 841(a)(1)
Distribution of Cocaine

D-14 WILLIAM MERFERT, a/k/a "Billy"

41. Paragraphs One through Twelve of this indictment are realleged and incorporated by reference as though fully set forth herein.

42. On or about January 21, 2004, in the Eastern District of Michigan, Southern Division, defendant WILLIAM MERFERT did knowingly, intentionally, and unlawfully distribute cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT SIXTEEN
21 U.S.C. § 841(a)(1)
Distribution of Hashish

D-14 WILLIAM MERFERT, a/k/a "Billy"

43. Paragraphs One through Twelve of this indictment are realleged and incorporated by reference as though fully set forth herein.

44. From August 2004 through December 2004, in the Eastern District of Michigan, Southern Division, defendant WILLIAM MERFERT did knowingly, intentionally, and unlawfully distribute hashish, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT SEVENTEEN
21 U.S.C. § 841(a)(1)
Possession with Intent to Distribute Hashish

D-15 WILLIAM THOMAS McCOWAN, a/k/a "Tom the Bomb"

45. Paragraphs One through Twelve of this indictment are realleged and incorporated by reference as though fully set forth herein.

46. On or about March 24, 2005, in the Eastern District of Michigan, Southern Division, defendant WILLIAM THOMAS McCOWAN did knowingly, intentionally, and unlawfully distribute hashish, a Schedule I controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT EIGHTEEN

21 U.S.C. § 841(a)(1)

Distribution of Cocaine

D-16 KIM GALAVIZ, a/k/a/ "Moe"

47. Paragraphs One through Twelve of this indictment are realleged and incorporated by reference as though fully set forth herein.

48. On or about July 27, 2006, in the Eastern District of Michigan, Southern Division, defendant KIM GALAVIZ did knowingly, intentionally, and unlawfully distribute cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

CRIMINAL FORFEITURE ALLEGATION

21 U.S.C. § 853, 28 U.S.C. § 2461;
18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c)

49. The allegations contained in paragraphs One through Fifty of this indictment are hereby incorporated by reference for the purpose of alleging forfeiture, pursuant to the provisions of Title 21, United States Code, Section 853 and Title 28, United States Code, Section 2461.

50. As a result of the foregoing violations of Title 21, United States Code, Sections 841, as charged in Counts Five through Seven, Nine, Fifteen, and Sixteen through Eighteen of this indictment, the defendants shall forfeit to the United States: (a) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such violations; and (b) any property used, or intended to be used, in any

manner or part, to commit or to facilitate the commission of such violations, including, but not limited to the following:

51. **IDENTIFIED PROPERTY SUBJECT TO FORFEITURE.** Property subject to forfeiture to the United States includes, but is not limited to, the following property:

a. **REAL PROPERTY.** All the lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, which is facilitating property, proceeds, or property traceable thereto, or property involved in the above-described violations of Title 21, United States Code, Sections 841(a)(1).

(1) **13259 S. Custer, Dundee, MI,** being more fully described as:

the premises situated in Dundee Township, Monroe County, Michigan, being a part of the East ½ of the Northwest ¼ of Section 20, Town & South, Range 7 East, commonly referred to as parcel "D", and further described in the legal description below:

Parcel D: A part of the East half of the Northwest quarter of Section 20, Town 6 South, Range 7 East, further described by Walter E. Frazier and Associates, Inc. survey as:

Commencing at the South quarter corner of Section 20; thence North 00 degrees 06 minutes 00 seconds West, 2674.79 feet along the North-South quarter line of Section 20 to the center of Section 20 as monumented; thence North 00 degrees 07 minutes 56 seconds West, 1390.01 feet along the North-South quarter line of Section 20 to the centerline of Highway M-50; thence North 82 degrees 51 minutes 30 seconds West, 0.80 feet along the centerline of Highway M-50 for a point of beginning; thence continuing North 82 degrees 51 minutes 30 seconds West, 200.00 feet along the centerline of Highway M-50; thence South 07 degrees 08 minutes 30 seconds West 260.77 feet; thence South 82 degrees 51 minutes 30 seconds East, 228.18 feet to the West line of a parcel described in a Warranty Deed recorded in Liber 529, Page 976, Monroe County Register of Deeds office; thence North 00 degrees 58 minutes 30 seconds East (recorded as North 00 degrees 54 minutes East), 262.29 feet along the West line of said parcel to the point of beginning. Titled in the name of: Edward Gallagher.

(2) **15450 Lahser, Detroit, MI**, being more fully described as:

Lots 534 and 535, B. E. Taylor's Brightmoor-Appling Subdivision lying South of Grand River Avenue, being a part of the West ½ of the SW 1/4 of Section 15, T.1S., R.10E., Redford Twp., Wayne County, MI. Rec'd L. 44, P. 52 Plats, W.C.R.

a/k/a 15450 Lahser. Titled to: Manous Leon Sturgill, a single man

b. **CONVEYANCES**, which are facilitating conveyances or proceeds, or property traceable to, or property involved in the above-described violations of Title 21, United States Code, Section 841(a)(1).

(1) 1999 Chevrolet pick-up. VIN: 1GCCS19WOX8194822.

(2) 1998 Pontiac Firebird. VIN: 2G2FV32G5W220141.

(3) 2004 Pontiac GTO. VIN: 2G2WS522341129686.

(4) 1973 Harley Davidson. VIN: 2C68135H3.

(5) 1998 Harley Davidson. VIN: 1HD1FRR13WY606677.

(6) 1989 Harley Davidson. VIN: 1HD1DBL15KY509738.

c. **FIREARMS AND AMMUNITION**, which are proceeds, or property traceable to, or property involved in the above-described violations of Title 18, United States Code, Sections 922(g)(1), 922(d)(1). Pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), the defendants shall forfeit all firearms and ammunition involved in the commission of the offenses set forth in counts Eight, Ten through Fourteen, including, but not limited to the following:

(1) Smith and Wesson .38 caliber revolver, model unknown, serial number 6574;

(2) Glock 9 mm GMBH semi-automatic handgun, Model 19, serial number HA 002;

(3) Glock 9mm magazine;

- (4) Ruger 9 mm semi-automatic handgun, model P93DC, serial number 306-18888;
- (5) Ruger 9mm magazine;
- (6) Ammunition, namely 9 rounds of CCI brand, 9mm caliber cartridges;
- (7) Norinco (North China Industries) 7.62 caliber rifle, model unknown, serial number 21035107;
- (8) Ammunition, namely 8 rounds of unknown brand, 7.62 caliber cartridges;
- (9) Five 7.62 caliber magazines;
- (10) Ruger 44 caliber revolver, model Super Blackhawk, serial number 85-48159;
- (11) FEG 9mm pistol, model MAK PA63, serial number L007566;
- (12) Ammunition, namely, 1 round of unknown brand, 9 mm cartridge;
- (13) One 9 mm ammunition magazine, serial number 7566;
- (14) Ammunition, namely 1 MNF: Winchester-Western, Cal:9;
- (15) F.N. Herstal .32 caliber pistol, model unknown, serial number 16382C.

52. **SUBSTITUTE ASSETS.** If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;

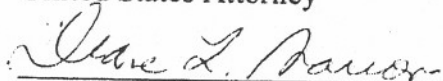
d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b), to seek forfeiture of any other property of said defendants, up to the value of the properties described above.

THIS IS A TRUE BILL.


FOREPERSON

STEPHEN J. MURPHY
United States Attorney


DIANE MARION, P33403
Assistant United States Attorney
211 West Fort Street, Ste. 2001
Detroit, MI 48226
(313) 226-9567

JULIE A. BECK, P53291
Assistant United States Attorney
211 West Fort Street, Ste. 2001
Detroit, MI 48226
(313) 226-9717

AMY SIRIGNANO
Criminal Division Trial Attorney
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
(202) 514-7574

Dated: August 14, 2007